

REMARKS

Summary of Changes Made

The Application was filed with 27 claims. The 27 original claims are canceled herein and new claims 28 - 42 are added herewith. Therefore claims 28-42 (15 claims) remain pending in the application. No new matter has been added.

Claim Rejections - 35 U.S.C. §101

Claims 21-27 have been rejected under 35 U.S.C. 101 as directed to non-statutory subject matter. The Examiner will note that claims 21-27 have been canceled thus rendering the rejection moot.

Claim Rejections - 35 U.S.C. §112, 2nd Paragraph

The Examiner has rejected claims 9, 10, 14, and 18-20 under 35 U.S.C. §112, 2nd Paragraph. The Examiner contends that the phrase containing the word "including" in each named claim renders the claims indefinite.

The Examiner will note that claims 9, 10, 14, and 18-20 have been canceled thus rendering the rejection moot.

Claim Rejections - 35 U.S.C. §103(a) - (Ito/Gardiner)

Claims 1-20 have been rejected under 35 U.S.C. 103(a) as obvious in view of U.S. 6,437,002 to Ito et al., ("Ito") in view of Gardiner, "Chasteberry," Longwood Herbal Task Force, ("Gardiner"). The Examiner contends that Ito discloses a composition for treating skin diseases including acne comprising a compound of formula (I) as shown in the Abstract, further comprising a moisturizer, an oil (e.g., jojoba oil, an essential oil), an antiseptic, an antioxidant, an agent which absorbs or scatters UV light (e.g., TiO₂), and a plant extract. The composition can be formulated for external application.

The Examiner admits that Ito fails to disclose a composition comprising an extract of Vitex agnus castus. Accordingly, the Examiner cites Gardiner for its disclosure that extracts from the leaves, flowers and fruits of Vitex agnus castus are useful in treating acne. The

Examiner concludes that it would have been obvious to the skilled artisan to combine the extracts of Gardiner with the acne treatment of Ito. The Examiner lends no patentable weight to the instantly claimed use of the composition as an insect repellent as it is assertedly not structurally distinguishable over the prior art.

The Examiner will note that claims 1-20 have been canceled thus rendering the rejection thereof moot.

New Claims

New claims 28-42 have been added to round out Applicants' claim coverage. Claim 28 is directed to a method of repelling arthropods comprising applying to a product, area or surface desired to be free of arthropods a repellent composition comprising at least one portion of the plant *Vitex agnus-castus* selected from the group consisting of extracts of said plant, parts of said plant, and combinations thereof.

New claim 28 essentially captures the subject matter of original claim 1 as a method claim. New claim 29 corresponds to original claim 3. New claims 30-36 correspond to original claims 14-20, respectively, and new claim 37 corresponds to original claim 25. New claims 35 to 39 correspond to original claims 18 to 20. New claim 41 corresponds to original claims 11 and 12. New claim 42 corresponds to original claim 10.

Because the cited prior art, in any combination, fails to disclose or suggest a method of repelling arthropods comprising applying a repellent composition comprising a portion or extract of the plant *Vitex agnus-castus*, Applicants respectfully submit that all new claims 28-42 are patentable, and notice to that effect is respectfully requested.

Information Disclosure Statement

An Information Disclosure Statement is filed herewith in accordance with 37 C.F.R. 1.97(d) together with the appropriate fee. The enclosed documents include "Rotundial, a New Natural Mosquito Repellent from the Leaves of *Vitex rotundifolia*," published 1995, and a partial translation (polypropylene. 310-311) of a reference by Osamu Okuda discussing species *Vitex agnus castus*. The first reference was cited in a related German application, and the second reference is noted in the first reference (reference 4 on page 1980).

CONCLUSION

Based on the foregoing, the Applicants respectfully request entry of the instant amendment and IDS, and a Notice of Allowability for claims 28-42. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application. If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 18-0160, our Order No. GIL-16108.

Respectfully submitted,

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